

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JOSEPH HENSLEY,**

**Plaintiff,**

**v.**

**GOVERNOR TOM WOLF, et al,**

**Defendants.**

**Case No. 3:22-CV-150**

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on September 9, 2022. The matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff complains of treatment he received while incarcerated at SCI Houtzdale. Defendants filed a motion to dismiss in response to the complaint. ECF No. 26.

On November 3, 2023, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the motion to dismiss be granted but that Plaintiff be allowed to amend his complaint. ECF No. 42. No objections have been filed.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 29th day of November 2023;

IT IS ORDERED that the motion to dismiss [ECF No. 26] is granted.

IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on November 3, 2023 [ECF No. 42] is adopted as the opinion of the court.

IT IS FURTHER ORDERED that Plaintiff may file a curative amendment to his complaint, consistent with Chief Magistrate Judge Lanzillo's Report and Recommendation, within twenty (20) days of the date of this order.

A handwritten signature in cursive script, reading "Susan Paradise Baxter".

SUSAN PARADISE BAXTER  
United States District Judge